

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY CASES

Master Docket No.
1:12-cv-12052

RAYMOND McDOW and ROSEANNE
BROOKS, individually and as
representatives of all others similarly
situated,

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING
PHARMACY INC., d/b/a NEW
ENGLAND COMPOUNDING CENTER,
AMERIDOSE, LLC, ALAUNUS
PHARMACEUTICAL, LLC, MEDICAL
SALES MANAGEMENT, INC.,
GREGORY CONIGLIARO, BARRY J.
CADDEN, LISA CONIGLIARO
CADDEN, DOUGLAS CONIGLIARO,
CARLA CONIGLIARO and GLENN A.
CHIN,

Defendants.

Civil Action No. 1:12-cv-12112

The Honorable F. Dennis Saylor, IV

**ASSENTED TO MOTION TO EXTEND
TIME FOR PLAINTIFFS TO RESPOND
TO DEFENDANT ALAUNUS'S MOTION
TO DISMISS**

Now come the Plaintiffs in the above-captioned matter who hereby respectfully request that this Court extend the time for the Plaintiffs to respond to Alaunus's Motion to Dismiss up to and including February 1, 2013. As grounds in support of this Motion, Plaintiffs assert the following:

1. Defendant Alaunus has served a Motion to Dismiss upon counsel for the Plaintiffs in this case.

2. The parties, by and through their counsel, have agreed to extend the time for the Plaintiffs to respond to Defendant Alaunus's Motion to Dismiss until February 1, 2013 and defense counsel therefore assents to this Motion.

3. In a related case, *Martin*, Defendant Alaunus has filed similar Motions to Dismiss and has agreed to similar extensions of time for other Plaintiffs to respond.

4. On January 14, 2013, at a Status Conference on this and related cases, the Court has entered a stay on all discovery in this matter until February 15, 2013 in anticipation of the ruling of the Joint Panel on Multidistrict Litigation.

5. Allowance of this Motion will not have a substantial impact upon the progress of this case and is in the best interest of justice.

WHEREFORE, Plaintiffs respectfully request that the Court extend the time for the Plaintiffs to respond to Defendant Alaunus's Motion to Dismiss up to and including February 1, 2013.

Respectfully submitted,

Dated: January 17, 2013

THORNTON & NAUMES, LLP

By: /s/ Marilyn T. McGoldrick

Marilyn T. McGoldrick

Edwin L. Wallace (BBO #513560)
Marilyn T. McGoldrick (BBO #561766)
THORNTON & NAUMES, LLP
100 Summer Street, 30th Floor
Boston, MA 02110
Tel: (617) 720-1333
Fax: (617) 720-2440
ewallace@tenlaw.com
mmcgoldrick@tenlaw.com

Elizabeth J. Cabraser (*pro hac vice* admission anticipated)
Fabrice N. Vincent (*pro hac vice* admission anticipated)
Heather A. Foster (*pro hac vice* admission anticipated)
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Tel: (415) 956-1000
Fax: (415) 956-1008
ecabraser@lchb.com

Wendy R. Fleishman (*pro hac vice* admission anticipated)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Tel: (212) 355-9500
Fax: (212) 355-9592
wfleishman@lchb.com

Mark P. Chalos (*pro hac vice* admission anticipated)
Elizabeth A. Alexander (*pro hac vice* admission anticipated)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
150 Fourth Avenue, North, Suite 1650
Nashville, TN 37219-1973
Tel: (615) 313-9000
Fax: (615) 313-9965
mchalos@lchb.com
ealexander@lchb.com

Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a)(2), counsel for the Plaintiffs state that they have made a good faith effort to confer with the Defendant's counsel to resolve the matters raised by the motion.

/s/ Marilyn T. McGoldrick
Marilyn T. McGoldrick

CERTIFICATE OF SERVICE

I, Marilyn T. McGoldrick, hereby certify that I served a copy of the foregoing document upon all counsel of record by causing a copy to be sent to them via the Electronic Case Filing system this 18th day of January, 2013.

/s/ Marilyn T. McGoldrick
Marilyn T. McGoldrick